

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

DWAIN EDWARD THOMAS,

Plaintiff,

v.

KEVIN STITT, *et al*,

Defendants.

Case No.: 20-cv-944-D

JOINT MOTION FOR EXTENSION OF DEADLINES

Plaintiff Dwain Edward Thomas and Defendants Kevin Stitt, Tom Bates, T. Hastings Siegfried and Steven Harpe (hereinafter “Defendants”) (collectively, the “Parties”), pursuant to Federal Rules of Civil Procedure 26 and 29 and LCvR. 7.1(h), respectfully request a forty-five (45) day extension of deadlines. In support of this motion, the Parties state:

1. On September 28, 2023, this Court issued a Scheduling Order setting trial for August 13, 2024, and interim deadlines for filing witness and exhibit lists, completion of discovery, filing dispositive motions, and submitting pretrial materials. *See* Dkt. 70.
2. On December 21, 2023, Plaintiff served First Sets of Interrogatories and Requests for Production to Defendants Kevin Stitt, Tom Bates, T. Hastings Siegfried and Steven Harpe.
3. On January 8, 2024, Defendants requested a 30-day extension to respond to Plaintiff’s discovery requests.
4. On February 21, 2024, Defendants served their Responses and Objections to Plaintiff’s Interrogatories and Requests for Production.
5. On February 26, 2024, Plaintiff received Defendants’ first document production

via flash drive.

6. On March 15, 2024, Plaintiff served 30(b)(6) deposition notices on each of the four Defendants. Plaintiff asked for specific date ranges for each deponent starting on April 1, 2024, and ending on May 1, 2024.

7. On March 20, 2024, the Parties met and conferred regarding certain of Defendants' responses and objections to Plaintiff's discovery requests and deficiencies in their document production.

8. On April 15, 2024, Plaintiff received Defendants' first supplemental document production via flash drive.

9. On April 18, 2024, the Parties met and conferred regarding outstanding issues related to certain of Defendants' responses and objections to Plaintiff's discovery requests and deficiencies in their document production.

10. On April 22, 2024, Defendants provided the first dates for its 30(b)(6) deponents to sit for deposition. The Parties are currently scheduling depositions. Due to Defendants' stated availability, some of these depositions will not be conducted until mid- to late June.

11. The current deadline for the end of fact discovery is June 4, 2024. Dkt. 70.

12. This is the Parties' second motion for extension of the deadlines outlined in the Scheduling Order.

13. Granting the requested extension of time would result in the following new deadlines:

Deadline	Current Due Date	Proposed Due Date
Plaintiff to file a final list of witnesses, together with addresses and brief summary of expected testimony where a witness has not already been deposed.	May 14, 2024	June 28, 2024
Defendants to file final list of witnesses, together with addresses and brief summary of expected testimony where a witness has not already been deposed.	May 28, 2024	July 12, 2024
Plaintiff to file final exhibit list.	May 14, 2024	June 28, 2024
Defendants to file objections to Plaintiff's final exhibit list under Fed. R. Civ. P. 26(a)(3)(B).	May 28, 2024	July 12, 2024
Defendants to file final exhibit list.	May 28, 2024	July 12, 2024
Discovery completion date.	June 4, 2024	July 19, 2024
All dispositive and <i>Daubert</i> motions to be filed.	June 4, 2024	July 19, 2024
Plaintiff to file objections to Defendants' final exhibit list under Fed. R. Civ. P. 26(a)(3)(B).	June 11, 2024	July 26, 2024

14. The Parties recognize that this extension will likely affect the existing trial date and other pretrial deadlines, including but not limited to the filing of deposition designations, motions in limine, proposed findings and conclusions of law, and the Final Pretrial Report. *See* Dkt. 70 at ¶¶9–10, 14–16.

15. In lieu of resetting the trial date at this time, the Parties propose that they file a joint status report with the Court by **July 1, 2024**, indicating whether either or both Parties intend to file a dispositive motion. In the event one or both Parties intend to file dispositive motion, the Parties will also move at that time to stay unexpired schedule order deadlines pending the Court's ruling on dispositive motions, pursuant to the Court's original scheduling order. Dkt. 70, ¶ 7. If the Parties do not intend to file dispositive motions, they agree to submit a proposed order on July 1, 2024 amending the subsequent pretrial deadlines.

16. This extension request is not being sought for the purpose of delay.

WHEREFORE, for the reasons set forth above, the Parties respectfully request the Court grant the requested 45-day extension of deadlines.

Dated: May 2, 2024

Respectfully submitted,

s/ *Emily M. Long*

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